

Flores, Priscilla (Feliciano)

From: Davidj Gray <gray.davidj@epamail.epa.gov>
Sent: Wednesday, September 24, 2014 2:02 PM
To: Gray, Davidj
Subject: Fw: Complaint about MassTurnpike Salt Storage

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David J. Gray, P.E.  
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----- Forwarded by Davidj Gray/R1/USEPA/US on 09/24/2014 02:01 PM -----

From: Davidj Gray/R1/USEPA/US  
To: "Maguire, Thomas (DEP)" <Thomas.Maguire@state.ma.us>  
Date: 11/10/2005 03:15 PM  
Subject: RE: Complaint about MassTurnpike Salt Storage

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Hi Tom,

Sorry for the delay in responding. Regarding the issue salt pile discharges representing non-stormwater discharges, my interpretation is that discharges of salt from an MS4, whether from road application or salt piles, would not be considered a non-stormwater discharge unless the discharge resulted from direct dumping or was generated by a flow source (e.g. hosing) other than stormwater/snow melt. Like other ubiquitous pollutants that enter and discharge from MS4s carried by stormwater, it should be addressed through source reduction, alternatives, and containment (as you note); rather than addressed through an illicit discharge program.

Regarding the potential to address the issue through a MSGP, EPA has previously determined after significant review that typical MassTurnpike or MassHighway Depot (and typical municipal DPW yard) operations are not considered a categorical industrial activity that requires Phase I industrial stormwater permit coverage. SIC code classification is based on the activity that the facility is primarily engaged. EPA believes that facilities primarily engaged in maintenance of vehicles that are used for highway construction and maintenance are properly classified under SIC code 16, not SIC code 4212-4231 (i.e. Sector P). We could take a closer look at this particular facility to determine if it is primarily engaged in activities classified by 4212 - 4231. Also, EPA is exploring the designation of such facilities/activities under Sector AD, however, it would be some time in the future.

Regards,

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To Davidj Gray/R1/USEPA/US@EPA

11/02/2005 12:29 PM

cc

Subject RE: Complaint about MassTurnpike Salt Storage

for inter-agency policy deliberations only

We're following up on this issue via NERO.

I do have a follow-up question to your email. Would drainage from the road salt storage area be classified as a non-Stormwater Discharge? Once it is applied to roads for actual deicing, it seems to me that it would be a stormwater discharge. But when the road salt is stockpiled in the open, it seems to me that any of it discharged to a waterway via a drainage system, would be classified as a non stormwater discharge, similar to any other material stockpiled improperly on an industrial site where coverage is required under the multi-sector general permit. For example, if road salt is stored improperly, it will be conveyed to waterways via drainage systems during the spring, summer, and autumn seasons, and not just during the winter when it is applied to roads.

As another alternative, road salt storage areas are typically used for transportation land uses (the MassTurnpike area where the road salt is now being stored is a trucking terminal), so I'm wondering if rather than looking at road salt storage under a MS4 permit, would it be more appropriate to look at it as a Multi-sector General Permit issue, under the SIC code for transportation uses?

In any case, it points out the need for the MS4's to describe in their plans how they propose to store their deicing chemicals, under the Minimum Measure 6: Pollution Prevention/Good Housekeeping. Some deicing chemicals now in use contain substances other than chloride salts to reduce corrosion, e.g. NH₂CO NH₂ - Urea, Zinc metaphosphate, lignin sulfonate, phosphorus, and forms of phosphates.

-----Original Message-----

From: Maguire, Thomas (DEP)
Sent: Tuesday, November 01, 2005 11:48 AM
To: 'gray.davidj@epamail.epa.gov'
Cc: Civian, Frederick (DEP); Casella, Mark (DEP)
Subject: RE: Complaint about MassTurnpike Salt Storage

for inter-agency policy deliberations only

Dave,

Thanks for your information about salt storage and the MS4 permit. MGL Chapter 85 Section 7A provides that deicing agents be stored in a solid frame structure in drinking water supply areas and within 200 yards of an established river or estuary, so given that this site is within 200 yards of the Charles River, MassDEP has authority in this instance. We've decided to consult with NERO to see how they want to handle this (either a phone call to encourage compliance or enforcement). We'll keep you posted.

Thomas Maguire, Regional Wetlands Coordinator
Massachusetts Department of Environmental Protection

-----Original Message-----

From: gray.davidj@epamail.epa.gov [<mailto:gray.davidj@epamail.epa.gov>]
Sent: Tuesday, November 01, 2005 10:31 AM
To: Maguire, Thomas (DEP)
Cc: Civian, Frederick (DEP)
Subject: Re: Complaint about MassTurnpike Salt Storage

Hi Tom & Fred,

Briefly, two obstacles with using the MS4 Permit in this instance: 1) MassHighway is not yet authorized to discharge under the permit; and 2) neither the Phase II Rule*, nor the MS4 Permit, explicitly require (nor does MassHighway's SWMP propose) containment of salt piles. NOIs submitted by MassHighway, MassTurnpike, MA DCR, and several other state agencies seeking coverage under the Small MS4 General Permit will go on a 30-day public notice beginning tomorrow through December 2, 2005. The Teamsters Union and other interested parties should take this opportunity to comment on concerns regarding MassHighway's salt management practices and other stormwater management practices related to their NOI and coverage under the general permit.

Although we certainly encourage the practice, EPA has not required any MS4 to provide containment of sand-salt piles as a condition of coverage under the Small MS4 Permit. Once MassHighway, or any other MS4, is authorized to discharge under the MS4 Permit, EPA or DEP can require specific modifications to their SWMP as warranted. Technically, discharges the cause or contribute to violations of WQS (likely the Massachusetts' additional minimum criteria for surface waters in the case of salt) are not authorized under the permit and could be pursued as a violation of the CWA.

If the facility is considered a Phase I categorical industrial activity, MassHighway would be required to contain the sand-salt pile as a provision of the MSGP.

* Excerpts from the Phase II Rule regarding sand and salt storage (i.e. EPA only recommends that sand/salt storage be considered when developing SWMPs).

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"Maguire, Thomas  
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<Thomas.Maguire@  
state.ma.us>

10/28/2005 12:09  
PM

"Civian, Frederick (DEP)"  
<Frederick.Civian@state.ma.us>

To

cc

Davidj Gray/R1/USEPA/US@EPA  
Subject  
Complaint about MassTurnpike Salt  
Storage

For Intra-Agency Policy Deliberations Only

I received a complaint that the Mass. Turnpike Authority has commenced road salt storage near the Allston-Brighton Tolls. The party complaining (Teamsters Union) indicated that the road salt is not covered. I'm guessing that MassDEP's enforcement options are limited under the Wetlands Program and statute for road salt unless and until it alters a wetland (e.g. if a salt plume enters the Charles River) or creates a nuisance. Not covering the road salt though is in noncompliance with NPDES MS4 requirements since the Turnpike is not employing good housekeeping practices (enclosing road salt in a structure). The discharge may also be considered illicit, because it is not on the list in the MS4 permit of "allowable non storm water discharges." If you both concur, can one of you contact Turnpike to inquire about this facility?

Otherwise, I will follow-up on the complaint via NERO (if the storage facility is located in a Riverfront Area or Bordering Land Subject to Flooding, or if there is an alteration to the Charles River via a discharge, wetlands permitting is required and the Stormwater Mgt. Policy standards would apply. The Stormwater Management Policy standards and DEP road salt storage policy require road salt storage areas to be enclosed in a structure with a system for collection of road salt runoff).

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